

Briley Township, Michigan
Ordinance to Regulate the Use, Storage and Disposal of Hazardous and Toxic Substances in
Briley Township
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Health Ordinance
Adopted 1982

"AN ORDINANCE TO REGULATE THE USE, STORAGE, AND
DISPOSAL OF HAZARDOUS AND TOXIC SUBSTANCES IN BRILEY TOWNSHIP,"
(NORTHEAST MICHIGAN COUNCIL OF GOVERNMENTS, FEBRUARY 1982).

BRILEY TOWNSHIP ORDINANCE # _____

An ordinance to regulate the use, storage, and disposal of hazardous and toxic substance in Briley Township.

It is hereby enacted by the Township Board of Briley Township, Montmorency County, Michigan, pursuant to the authority granted by P.A. 246 of 1945, an ordinance as follows:

Section 1.0 Title

Briley Township Ordinance D _____ shall heretofore be known as the "Briley Township Groundwater Protection Ordinance."

Section 2.0 Purpose

It is the purpose of this ordinance to enhance and preserve the public health, safety, and welfare of the persons and property of Briley Township by protecting the groundwater of Briley Township from degradation resulting from the improper use, storage, or disposal of hazardous and toxic substances.

Section 3.0 Definitions

A. Act 64--Act No. 64 of the Public Acts of 1979, as amended, being MCLA 299.401 et seq. and known as the "Hazardous Waste Management Act."

B. Act 136--Act No. 136 of the Public Acts of 1969, as amended, being MCLA 232.271 et seq. and known as the "Liquid Industrial Wastes Act."

C. Act 207--Act No. 207 of the Public Acts of 1941, as amended, being MCLA 29.1 et seq. and known as the "Fire Prevention Act."

D. Act 245--Act No. 245 of the Public Acts of 1929, as amended, being MC~ 323.1 et seq. and known as the "Water Resources Commission Act."

E. Act 348--Act No. 348 of the Public Acts of 1965,~as amended, being MCLA 336.11 et seq. and known as the "Air Pollution Act."

F. Act 368--Act No. 368 of the Public Acts of 1978, as amended, being MCLA 333.12703 et seq. and known as the "Public Health Code."

G. Act 399--Act No. 399 of the Public Acts of 1976, as amended, being MCLA 325.1001 et seq. and known as the "Safe Drinking Water Act."

H. Act 641-Act No. 641 of the Public Acts of 1918, as amended, being MCLA 299.401 et seq. and known as the "Solid Waste Management Act."

I. Degrade--for the purposes of this ordinance, to change in quality in a manner which reduce the existing or intended use of groundwater or surface water.

J. Discharge--the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of some product upon or into any land, groundwater or surface water within Briley Township.

K. Garage--any commercially operated structure where repair, construction, modification, or washing of motorized vehicles takes place.

L. Hazardous Waste--any waste or substance described in Rule 201 of Act 64.

M. Hazardous or Toxic Substance shall be a term used to generally describe hazardous wastes including, but not limited to, the following:

gasoline
kerosene
fuel oil
motor oil
diesel fuel
mineral spirits
brake fluid
transmission fluid
anti-freeze
petroleum based degreasers
petroleum based cleansers
radioactive wastes
infectious wastes
strippers
paint
varnish
thinners
solvents

pesticides
insecticides
herbicides
hazardous wastes as defined by Act 64
compounds on the Michigan Critical Materials List

N. Petroleum Fuel Storage Tank shall mean to include all tanks used for the storage of leaded and unleaded gasoline, kerosene, fuel oil and diesel fuel.

Section 4.0 General Prohibitions

A. It shall be unlawful for any person to discharge hazardous or toxic substances in Briley Township unless such discharge is specifically allowed and/or permitted under provisions or permits of Act 64, Act 245, Act 348, Act 368, or Act 641, or other Michigan statutes which provide for regulation or discharges of hazardous or toxic substances.

B. It shall be unlawful for any person to use, store, transport, or discharge hazardous or toxic substances in Briley Township in such a manner as to violate Michigan law regulating such use, storage, or transportation, or in such a manner as to degrade or seriously threaten to degrade the surface or groundwaters of Briley Township.

C. It shall be unlawful for any person to use, store, discharge, or transport hazardous or toxic substances in Briley Township within the guidelines of Act 64, Act 245, Act 348, Act 368, or Act 641, without notifying the township board of proposed or exiting activities requiring regulation under the above-mentioned Acts and providing proof of any permits required by the above-mentioned Acts for such activities to the township'.

D. Unlawful discharge shall include, but not be limited to, the following:

1. Dumping of hazardous or toxic substances which 'may generally be described as including, but not limited to, gasoline, kerosene, fuel oil, petroleum based solvents and thinners, motor oil, petroleum based degreasing agents, cleaning fluids, paint and varnish removers, pesticides, herbicides and insecticides on private or public property;
2. Leaks from petroleum fuel storage tanks, both above and below ground;
3. Spills during transport or transfer of hazardous wastes including fuel oil and other petroleum fuels;
4. Disposing of hazardous or toxic substances to septic systems, storm sewers, storm drains, or sanitary sewers.

Section 5.0 Fuel Storage Tanks

A. Owners of all subsurface fuel storage tanks in excess of 500 gallons capacity in Briley

Township shall provide to the township no later than 120 days from enactment of this ordinance, information regarding the location, size, construction, use, and history of such tanks on forms available from the township. Copies of evidence of date of purchase and installation should be included.

B. Where information cannot be provided which can reasonably assure the township board, or its appointed representative, that a tank is product-tight and has no structural faults, the township may order the tank to be exposed, tested, monitored, made unusable, or removed at the owner's expense.

C. Owners of all commercial subsurface fuel tanks in excess of 500 gallons capacity, Which are considered to be in use, must maintain daily inventory records which are capable of showing the existence of fuel losses. Owners must submit quarterly reports to the township, on standardized forms provided by the township, certifying by means of their inventory records that no losses had occurred during that quarter. If losses are recorded, the owner must report the incident to the township within 24 hours and notify other appropriate officials and agencies as provided in Act 207. Tanks which are found to be leaking must be emptied within 24 hours.

D. All new construction or installation of subsurface fuel storage tanks larger than 500 gallons shall meet the requirements of Act 207 and shall meet the following additional criteria:

1. all tanks must be equipped with overfill protection;
2. all tanks must have a striker plate below the dip stick tube to protect the bottom of the tank;
3. monitoring holes adjacent to tanks must be installed to provide early warning of any subsurface leaks.

E. All commercial tanks which are abandoned or temporarily out of use must comply with the provisions in Act 207 for abandonment.

F. Any tank which is found to be leaking and is greater than five years old must be removed and made unusable by making a sufficient number of holes in the tank.

Section 6.0 Garages

A. All new construction of garages must meet requirements of the Michigan Plumbing Code with regard to installation or separators on all drains. Wastes separated from the drain water must be contained in a properly ventilated holding tank of not less than 1,000 gallons~ in capacity. Wastes collected in the holding tank must be removed only by a licensed liquid waste hauler. Wastes must either be transported to a licensed hazardous waste disposal facility or to a local holding facility if one exists.

B. All used motor oil must be stored in secure containers and must be removed from the

premises only by a licensed liquid waste hauler.

Section 7.0 Onsite Wastewater Treatment

A. All new onsite sewage disposal systems shall meet a minimum site criteria of six feet between natural surface grade and the seasonal high groundwater level or the maintenance of four feet of natural soil between the seasonal high groundwater level and the bottom of the drain tiles in a trench or bed system.

B. The use or sale of cesspool or septic tank cleaners, decloggers, or degreasers of which the active ingredients are organic solvents such as 1,1,1 trichloroethane, methylene chloride, or (O,P) dichlorobenzene shall be prohibited.

Section 8.0 Variances

A., Although the provisions of this ordinance are meant to be followed with strict compliance, there may be certain individual cases where a variance may be given which will still allow for consistent protection of groundwater resources.

B. All requests for variances must be in writing to the township board and must contain all specifications, studies, or evidence showing why such a variance should be granted.

C. If in the opinion of the township board, a requested variance will not jeopardize or degrade the groundwater, then a site-specific variance will be granted. The specifics of the variance will be made in writing including any and all conditions of the judgment.

D. In no case shall~the township board make judgment in favor of giving a variance which will violate existing State or Federal law.

Section 9.0 Enforcement

The provisions of this ordinance shall be enforced by the Briley Township Board of Trustees or their legally appointed representative.

Section 10.0 Penalties

Any person or other entity violating this ordinance may be imprisoned in the county jail for not more than 90 days, or assessed a fine of not more than \$500, or both.

Section 11.0 Severability

Each provision of this ordinance shall be construed as separate, to the end that if any part of it shall be held invalid for any reason, the remainder shall continue in full force and effect.

Section 12.0 Effective Date

This ordinance shall take effect on the 31st day after publication as required by law.